

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT**

IN THE MATTER OF:

MICHAEL ANTHONY KANE and ANGELA
MARY CUSUMANO-KANE, Debtor(s).

CHAPTER 13
CASE NO. 09-77555-WSD
JUDGE WALTER SHAPERO

**TRUSTEE'S OBJECTIONS TO
CONFIRMATION OF CHAPTER 13 PLAN**


NOW COMES, the Chapter 13 Trustee, Tammy L. Terry, and objects to confirmation of the Chapter 13 Plan in the above matter pursuant to LBR 3015-3(a) (E.D.M.) and 11 U.S.C. §1307(c)(5) as follows:

1. The Trustee objects to the plan as it may not comply with 11 USC §1325(a)(1) and Guideline Number 12 of the Local Bankruptcy Rules for the Eastern District of Michigan as the debtor appears to be stripping the lien of National City Bank in class 5. The Trustee requests that the debtor comply with Guideline Number 12.
2. A review of the Debtors Schedule I indicates for four separate 401k loans in the monthly amount of \$346.00. The Trustee requests the Debtor provide the specific date upon which this obligation will be paid in full. To the extent that this obligation will be paid in full during the pendency of the Chapter 13 case, the Trustee requests that best efforts be increased by the amount of the 401k loan payment in the month immediately following the month in which the obligation is paid in full.
3. The spouse testified at the §341 First Meeting of Creditors that she is currently looking for employment. The Trustee requests a status at confirmation and/or amended Schedules I and J at any point in time the spouse becomes employed. The spouse indicates on Schedule I that her unemployment income will end after February, 2010, which will impact feasibility. Feasibility is required pursuant to 11 U.S.C. § 1325(a)(6).

WHEREFORE, the Chapter 13 Trustee prays this Honorable Court deny confirmation of the debtor's(s') Chapter 13 Plan and dismiss this case pursuant to 11 U.S.C. §1307(c)(5).

OFFICE OF THE CHAPTER 13 TRUSTEE-DETROIT
Tammy L. Terry, Chapter 13 Trustee

January 27, 2010

/s/ Tammy L. Terry 
TAMMY L. TERRY (P-46254)
Chapter 13 Standing Trustee
/s/ KIMBERLY SHORTER - SIEBERT (P-49608)
/s/ MARILYN R. SOMERS-KANTZER (P-52488)
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CERTIFICATE OF MAILING

I hereby certify that on January 28, 2010, a copy of **TRUSTEE'S OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLAN** was electronically filed with the Clerk of Court, served electronically to the debtor's attorney and a copy of same deposited in the U. S. Mail to the debtor (s) at the address as it appears below.

/s/ Patrice N. Ford 

Patrice N. Ford

For the Office of the Chapter 13 Trustee-Detroit
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